

First Extraordinary Session, 2005

SENATE BILL NO. 6

BY SENATOR JONES

VOTERS/VOTING. Authorizes a person who has registered by mail, not voted since, and been displaced by a gubernatorially declared emergency to vote absentee by mail and provides for a parish board of election supervisors to use commissioners from another parish. (gov sig)

## AN ACT

To enact R.S. 18:115(F)(2)(d) and 425(A)(4), relative to the conduct of elections during or following a gubernatorially declared state of emergency; to provide relative to the registration of voters; to provide for the authority of a voter who has registered by mail who has not previously voted in the parish in which he is registered during certain emergencies; to require an affidavit attesting to the voter's eligibility; to provide for the effectiveness of such provisions; to provide relative to a parishwide shortage of commissioners due to an emergency; to authorize commissioners from other parishes to serve in the affected parish; to provide relative to selection, training, and certain expenses of such commissioners; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:115(F)(2)(d) and 425(A)(4) are hereby enacted to read as follows:

§115. Registration by mail

\* \* \*

F. \* \* \*

(2) The provisions of Paragraph (1) of this Subsection shall not apply in the case of the following:

\* \* \*

(d)(i) The Legislature of Louisiana recognizes that due to a recent common disaster and state of emergency in our state, an unprecedented number of persons have been temporarily displaced from their parishes of residence for an indefinite period of time. Because the right to vote is a right that is essential to the effective operation of a democratic government, the legislature finds that the state has a compelling interest in securing the right to vote for any person temporarily displaced by a disaster or emergency who may experience greater difficulty exercising his right due to his displaced status. The legislature, therefore, enacts this Subparagraph, which shall apply to any person temporarily displaced from his parish of residence by a gubernatorially declared state of emergency, who registered to vote on or before September 24, 2005, when he submits with the application to vote by mail an affidavit attesting that he is temporarily displaced from his parish of residence, that he is eligible to vote in his parish of residence, and that he expects to be out of his parish of registration during early voting and on election day. The provisions of this Subparagraph shall be effective for a period of one year following the effective date of this Item.

(ii) Upon expiration of Item (i) of this Subparagraph, any voter who has voted absentee by mail pursuant to this Subparagraph who has not voted during early voting or at the polls on election day shall not be considered to have previously voted in the parish in which he is registered for purposes of Paragraph (1) of this Subsection and shall be subject to the requirements of that Paragraph.

\* \* \*

§425. Commissioners

A.

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(4)(a) For an election held within one year following the date of the

issuance of any gubernatorial proclamation declaring a state of emergency, if a parish board of election supervisors determines that there is a parishwide shortage of commissioners because a significant number of commissioners have been temporarily displaced due to such emergency, the board may submit a written request to the secretary of state, on or before the twenty-third day prior to an election, for additional commissioners from other parishes. The written request shall include the number of additional commissioners requested and an explanation of the need for additional commissioners. If the secretary of state determines that there is a need for additional commissioners and that the allocation of additional commissioners is feasible, the secretary of state shall approve the request and notify the parish board of election supervisors of the affected parish. The board of the affected parish shall request the parish boards of election supervisors to submit lists of available commissioners by the fifteenth day prior to the election. The board of the affected parish shall select commissioners to serve in the affected parish from such lists based on availability, proximity and, to the extent possible, the requirements for representation based on recognized political party affiliation as provided for in R.S. 18:434(B)(7). The clerk of court of the affected parish shall ensure that the selected commissioners have received adequate training on the voting machines that are used in the affected parish and on any procedures necessary for the conduct of the election. The selected commissioners, upon approval of the secretary of state, shall be entitled to appropriate reimbursement for travel expenses.

**(b) The same authority and procedure provided in Subparagraph (a) of this Paragraph shall apply to absentee commissioners under the same circumstances.**

\* \* \*

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
3 effective on the day following such approval.

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The original instrument was prepared by Tabitha Irvin-Gray. The following digest, which does not constitute a part of the legislative instrument, was prepared by Diane M. Burkhart.

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#### DIGEST

Jones (SB 6)

Present law provides that any registered voter who has registered by mail and has not previously voted in the parish in which he is registered shall vote: (a) during early voting in the office of the registrar of voters, or (b) in person at the precinct in which he is registered to vote. Present law specifies exceptions.

Proposed law adds to such exceptions a voter who is temporarily displaced from his parish of residence by a gubernatorially declared disaster or emergency who registered to vote on or before Sept. 24, 2005, provided he submits with the application to vote by mail an affidavit attesting that he is temporarily displaced from his parish of residence, and that he expects to be out of his parish of registration during early voting and on election day. Provides that the authority for a person voting for the first time after registering by mail to vote by absentee by mail is effective for a period of one year from the effective date of the Act.

Provides that upon expiration of the authority, any voter who has voted absentee by mail who has not voted during early voting or at the polls on election day shall not be considered to have previously voted in the parish in which he is registered.

Proposed law authorizes a parish board of election supervisors to request and the secretary of state to authorize the use of commissioners and absentee commissioners from another parish for an election held within one year following the date of the issuance of any gubernatorial proclamation declaring a state of emergency because a significant number of commissioners have been temporarily displaced due to the emergency. Provides a procedure from making the request, validating the need, and providing the commissioners.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 18:115(F)(2)(d) and 425(A)(4))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill.

1. Limits the authorization to vote absentee by mail the first time a person votes after registering by mail to persons temporarily displaced by a gubernatorially declared emergency or disaster from their parish of residence who registered to vote on or before Sept. 24, 2005.
2. Requires such a person to submit with his application to vote by mail an affidavit attesting that he is temporarily displaced from his parish of residence, that he is eligible to vote in his parish of residence and that he expects to be out of his parish of registration during early voting and on election day.

3. Sunsets the authority one year after the effective date of this Act.
4. Requires that a person who votes absentee by mail when voting the first time after registering to vote by mail under this authorization to appear in person during early voting or at the polls on election day on the first occasion of voting after the authority of this Act expires.
5. Authorizes a parish board of election supervisors to request and the secretary of state to authorize the use of commissioners and absentee commissioners from another parish for an election held within one year following the date of the issuance of any gubernatorial proclamation declaring a state of emergency because a significant number of commissioners have been temporarily displaced due to the emergency.
6. Provides for effectiveness upon signature of the governor or lapse of time for gubernatorial action.